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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,168	12/21/2000	Armando Paul Stettner	005217.P021	1237
33318	7590	02/14/2006	EXAMINER	
DIGEO, INC.			CHANG, JUNGWON	
8815 122ND NE			ART UNIT	
KIRKLAND, WA 98033			PAPER NUMBER	

2154

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/747,168	STETTNER, ARMANDO PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**FINAL ACTION**

1. This Action is in response to amendment filed on 11/28/2005. Claim 5 has been canceled. Claims 1-4 and 6-22 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8-12, 15-17, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 6,292,547), White et al. (US 6,804,825), hereinafter White, and further in view of Perlman et al. (US 2002/0048354), hereinafter Perlman.

4. Katz and Perlman were cited by the examiner in a previous Office Action.

5. As to claims 1 and 21, Katz discloses the invention substantially as claimed, including a method for screening participant *input* for content in an interactive show (a commentator invites members of the viewing audience to express their views with respect to a specific issue; col. 19, lines 12-23; television viewers participate on a real-

time basis; col. 15, line 62 – col. 16, line 19), comprising:

for each participant desiring to provide *input* to be discussed in the show (col. 3, line 64 – col. 4, line 14; col. 6, lines 48-62; col. 7, lines 20-28 and 45-63);

receiving participant *input* for a show (col. 6, line 63 – col. 7, line 12; col. 7, lines 20-28 and 45-63) and subsequently disconnecting a communication with a participant that submitted the participant *input* (close of communication and that the transaction is terminated; col. 8, lines 60-67);

storing the participant *input* in a storage location (figs. 2, 5, 7; 97-98, 103; the participant data is stored in an assigned cell of the memory cell 98, col. 16, lines 52-61; col. 5, lines 14-24; col. 7, lines 23-28);

automatically processing the stored participant *input* to determine a relationship of the participant *input* to the show (callers may be screened or qualified...the data of individual callers may be collected, correlated, and tested in the station D for processing; col. 3, lines 17-24; participant data is stored in an assigned cell of the memory 98, fig. 4, for the caller and as the game proceeds, the processing unit 92 tallies the caller's score; col. 16, lines 52-61; with the successful completion and verification of the preliminary data in the block format register 104, the qualification phase of operation is concluded; col. 11, lines 40-47; screening or selecting callers who will be accepted; col. 12, lines 7-10; col. 12, lines 43-58);

based on the determined relationship, alerting the participant if the participant *input* is selected for the show (the interface 20 to respond appropriately to the caller announcing his results; col. 13, lines 48-55; select subset of the callers; col. 3, lines 17-

30).

6. Katz discloses allowing participant input for content in a television show (a commentator invites members of the viewing audience to express their views with respect to a specific issue; col. 20, lines 12-23; television viewers participate on a real-time basis; col. 15, line 62 – col. 16, line 19). However, Katz does not specifically disclose interactively discussing the participant comment or question in the discussion show. White discloses interactively discussing the participant comment or question in the discussion show (interactive channel is chat...TV talks shows; col. 8, lines 9-13; views compose typed questions...question and answer dialog; col. 8, lines 9-50). It would have been obvious to one of ordinary skill art at the time the invention was made to combine the teachings of Katz and White because White's interactively discussion would allow the participants to exchange and share their opinions and distribute the selected questions and the responses to all viewers of the show (White, col. 8, lines 18-22).

Katz discloses call distributors (CD1-CDn, fig. 9) at television broadcast that are coupled to a telephonic communication system and allow the interface units I to provide interface communication between the central processing unit (251, fig. 9) and participant terminal (T1-Tn, fig. 1) (col. 21, lines 30-46), and the interface unit is inherently used to reestablish communication link to announce or inform the selected participant after screening the participant input (the interface 20 to respond

appropriately to the caller announcing his results; col. 13, lines 48-55; col. 3, lines 17-30; col. 12, lines 7-20). Katz does not specifically disclose communication link to be reused by other participant and reconnecting the communication link with the participant to discuss the comment or question in the show. White discloses reconnecting the communication link with the participant to allow the participant to interactively discuss the participant comment or question in the show (after the question has been transmitted, the dial-up link is automatically terminated; col. 8, lines 40-41; col. 8, lines 33-44; the dial-up link is inherently reconnected when the participant transmits another question or comment). Perlman further discloses communication link to be reused by other participant (client 1 shares the telephone line 29a with two conventional telephone sets 10 and a modem of a personal computer 12; page 3, 0035; page 3, 0038); and reconnecting the communication link (page 5, 0047). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, White and Perlman because Perlman's reestablishing communication link and White's sharing and reestablishing communication link would efficiently reduce communication costs by sharing the same communication link with multiple participants and connecting only when it is necessary (Perlman, page 3, 0035; page 3, 0038; White; col. 8, lines 23-25).

7. As to claim 2, it is rejected for the same reasons set forth in claim 1 above. In addition, Katz discloses prior to receiving the participant *input* for the show, notifying the participant of an availability of the show to receive the participant input (broadcasting

the show time; col. 11, lines 15-21; col. 19, lines 31-42).

8. As to claim 3, Katz discloses the show comprises a television show or a radio show (col. 15, line 62 – col. 16, line 19).

9. As to claim 6, it is rejected for the same reasons set forth in claim 1 above. In addition, Katz discloses alerting (informing) the participant that subject matter related to another participant's *input* is to be addressed in the show (the monitor may be covered by a television camera to inform the bidders, i.e., participants; col. 14, lines 27-47; col. 15, lines 5-61).

10. As to claim 8, Katz discloses human operator (auctioneer; col. 14, line 27 – col. 15, line 61; col. 2, lines 10-11; col. 5, lines 53-62). However, Katz and Perlman do not specifically disclose the human operator selecting the participant comment or question for the show. White discloses human operator selecting the participant comment or question for the show (human selects questions; col. 8, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, Perlman and White because White's human operator would efficiently manage the television show and greet the selected participants to discuss their opinion (White, col. 8, lines 9-22).

11. As to claim 9, it is rejected for the same reasons set forth in claim 1 above. In

addition, Katz discloses the participant *input* is receivable via a communication medium different from a communication medium usable to alert the participant (col. 4, lines 24-34 and 48-55; col. 13, lines 48-55).

12. As to claim 10, Katz discloses alerting the participant is capable of being done via one of a telephone call, voicemail, facsimile, email, instant message, screen alert, or a page (telephone call; col. 13, lines 48-55; screen alert; CT; command CRT computer display terminal; fig. 1; col. 14, line 27 – col. 15, line 61).

13. As to claim 11, it is rejected for the same reasons set forth in claim 1 above. In addition, Katz discloses the participant *input* is capable of being done via a telephone call (10, 14, T1-Tn; fig. 1).

14. As to claim 12, it is rejected for the same reasons set forth in claim 1 above. In addition, Katz discloses the invention substantially as claimed, including an article of manufacture, comprising:

a medium-readable medium (97-98, 103; fig. 4) having stored thereon instruction to collect participant *input* submitted for a show (figs. 2, 5, 7; the data of individual callers collected in the station D for processing in accordance with various programs; col. 3, 17-30; col. 5, lines 14-24; col. 6, lines 48-62; col. 7, lines 20-28 and 45-63), wherein communication with a participant that submitted the participant *input* is disconnected subsequent to submission of the participant *input* (close of communication



and that the transaction is terminated; col. 8, lines 60-67);

process the stored participant *input* to determine relevance of the participant *input* to the show (callers may be screened or qualified...the data of individual callers may be collected, correlated, and tested in the station D for processing; col. 3, lines 17-24; participant data is stored in an assigned cell of the memory 98, fig. 4, for the caller and as the game proceeds, the processing unit 92 tallies the caller's score; col. 16, lines 52-61; with the successful completion and verification of the preliminary data in the block format register 104, the qualification phase of operation is concluded; col. 11, lines 40-47; screening or selecting callers who will be accepted; col. 12, lines 7-10; col. 12, lines 43-58).

15. As to claim 15, Katz discloses instructions to correlate the participant input according to predetermined criteria (col. 6, line 48 – col. 7, line 12; col. 7, lines 45-63).

16. As to claim 16, it is rejected for the same reason set forth in claim 1 above. In addition, Katz discloses a server (col. 4, lines 15-41) coupleable to a plurality of terminals (10, 14, T1-Tn; fig. 1) to receive participant *input* for a show from each of a plurality of participants desiring to provide *input* (col. 6, line 63 – col. 7, line 12; col. 7, lines 20-28 and 45-63), wherein communication with each participant that submitted the participant *input* is disconnected subsequent to reception of the participant *input* (col. 8, lines 60-67); a storage unit to store the participant *input* received by the server (figs. 2, 5, 7; 97-98, 103; col. 5, lines 14-24; col. 7, lines 23-28), the participant *input* stored in

the storage unit capable of being automatically processed to determine a relationship of the participant *input* to the show (callers may be screened or qualified...the data of individual callers may be collected, correlated, and tested in the station D for processing; col. 3, lines 17-24; participant data is stored in an assigned cell of the memory 98, fig. 4, for the caller and as the game proceeds, the processing unit 92 tallies the caller's score; col. 16, lines 52-61; with the successful completion and verification of the preliminary data in the block format register 104, the qualification phase of operation is concluded; col. 11, lines 40-47; screening or selecting callers who will be accepted; col. 12, lines 7-10; col. 12, lines 43-58); and an alert generator to generate and transmit an alert to a particular participant terminal if, based on the determined relationship, the participant *input* received from that participant terminal is selected for the show (the interface 20 to respond appropriately to the caller announcing his results; col. 13, lines 48-55; select subset of the callers; col. 3, lines 17-30).

17. As to claim 17, it is rejected for the same reason set forth in claim 1 above. In addition, Katz discloses an interactive video casting network coupleable to provide the show to the participant terminal and to provide the participant *input* from the participant terminal to the server (col. 15, line 62 – col. 16, line 19).

18. As to claim 19, it is rejected for the same reason set forth in claim 1 above. In addition, Katz discloses a monitor coupled to the storage unit to control processing of the participant *input* stored in the storage unit and to control operation of the server (CT;

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command CRT computer display terminal; fig. 1; col. 14, line 27 – col. 15, line 61)

19. As to claim 20, it is rejected for the same reason set forth in claim 1 above. In addition, Katz discloses instructions to correlate the participant *input* according to predetermined criteria (col. 6, line 48 – col. 7, line 12; col. 7, lines 45-63).

20. Claims 4, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, White, Perlman, further in view of Walker et al. (US 6,425,828), hereinafter Walker.

21. Walker was cited by the examiner in a previous Office Action.

22. As to claims 4, 13 and 22, Katz discloses appropriately alerting to the participant to announce his results, either a win or a loss (col. 13, lines 48-55). However, Katz, White and Perlman do not specifically disclose identifying an alert preference of the participant. However, Walker discloses a plurality of methods for alerting the participant (email, audible or visual alerts; col. 14, lines 25-37; player preference; col. 19, claim 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, White, Perlman and Walker because Walker's a plurality of alerting methods would allow a user to receive the alert message in his preferred way (Walker, col. 14, lines 25-37).

23. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, White, Perlman, further in view of Omoigui (US 6,694,352).

24. Omoigui was cited by the examiner in a previous Office Action.

25. As to claims 7, 14 and 18, Katz discloses classifying participant input relative to the show (call data analyzer; 20a, fig. 1; col. 18, line 66 – col. 19, line 22). However, Katz, White and Perlman do not specifically disclose keyword searching on the text format to analysis the user *input*; and a speech recognition technique to convert an audio format of the participant input into a text format. Omoigui discloses a speech recognition technique to convert an audio format of the participant input into a text format (speech-to-text conversion; col. 9, line 64 – col. 10, lines 7; col. 10, lines 8-28; col. 7, lines 53-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, White, Perlman and Omoigui because Omoigui's audio-text converter would increase the capability of the system by adding the functionality of the speech-to-text conversion process (Omoigui, col. 9, line 64 – col. 10, lines 7).

### **Conclusion**

26. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

27. On page 11 of the remarks, applicant asserts that with respect to the previously-claimed step of "automatically processing the stored participant input to determine a relationship of the participant input to the show", the Examiner refers to Fig. 6 and associated discussion at col. 13, lines 9-27 of Katz. However, as closer look at this process reveals that Katz determines the winner or loser randomly, e.g., by comparing a random number with the participant's telephone number.

Examiner respectfully disagrees. Katz discloses the system (PR1, fig. 1) assigning designation number to the participant upon receiving the participant input and the number is correlated and represented to the participant input (figs. 2, 5, 7; callers are assigned random designations that are stored along with identification data, i.e., participant input; abstract; col. 5, lines 25-52; col. 7, line 64 – col. 8, line 44; Telephone No. – Birth Year – Designation – Random No; col. 13, lines 6-8; col. 18, lines 20-35). Using the assigned number, which is correlated and represented to the participant input, Katz determines the relationship of the participant input to the show (winner or loser). Furthermore, Katz explicitly discloses automatically processing the stored participant *input* to determine a relationship of the participant *input* to the show (callers may be screened or qualified...the data of individual callers may be collected, correlated, and tested in the station D for processing; col. 3, lines 17-24; participant data is stored in an assigned cell of the memory 98, fig. 4, for the caller and as the game proceeds, the processing unit 92 tallies the caller's score; col. 16, lines 52-61; with the successful completion and verification of the preliminary data in the block format register 104, the qualification phase of operation is concluded; col. 11, lines 40-47; screening or selecting

callers who will be accepted; col. 12, lines 7-10; col. 12, lines 43-58). Thus, claims 1, 12, 16 and 21 are properly rejected under 35 U.S.C. 103(a).

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-

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872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jungwon Chang'.

Jungwon Chang  
February 3, 2006